



UNITED STATES | ENGLAND | GERMANY | CHINA

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July 21, 2009

Via U.S. Mail and e-mail

Ms. Kelly Hunter Burch
313 N.E. 21st Street
Oklahoma City, OK 73105

Re: Oklahoma, State of v. Tyson Foods, Inc. et al.,
Case No. 4:05-cv-00329
Scheduling Deposition of Dr. Tom Ginn

Dear Ms. Burch:

I am writing in regards to scheduling the continued deposition of Dr. Thomas Ginn. As you are aware, Judge Frizzell issued an Order on July 20, 2009 denying the Appeal of Magistrate Judge Cleary's Opinion and Order on Plaintiffs' Motion to Compel Expert Discovery Regarding Dr. Thomas Ginn. As a result, we will produce the documents subject to the Order by Monday, July 27th.

Magistrate Judge Cleary's Order required the defendants to produce Dr. Ginn for his deposition within 10 days of the date of the Order. Dr. Ginn is currently out of the country and not scheduled to return until August 1st; if Dr. Ginn were to change his travel arrangements to appear next week, we understand he would incur cancellation fees. We are prepared to ask him to change his plans if Plaintiffs insist on his deposition next week. However, the hearing on currently pending Daubert motions is also scheduled for July 28th and 29th of next week. In order to accommodate Dr. Ginn's vacation, and in light of the hearings on Daubert motions taking place next week, the Cargill Defendants would prefer to hold Dr. Ginn's deposition the following week on August 4th or 5th in Denver, Colorado. This would also allow Plaintiffs additional time to review the new production. Please let me know at your earliest convenience if this proposal meets with your approval.

Sincerely,


Melissa Collins

cc: Del Ehrich
John Tucker